

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOANNA AND PHILLIP SEGUNDO,)	
Individually and as next of kin and parents of)	
Graciella Segundo,)	
)	
Plaintiffs,)	
)	
v.)	3:23-cv-00260
)	
JOSHUA STEPHEN,)	
)	
Defendant.)	

ANSWER

Chubb Indemnity Company submits the following answer to the complaint filed against it without electing, at this time, whether to proceed in its own name or the name of the named defendant.

FIRST DEFENSE

The Plaintiffs may not recover for any percentage of fault which is attributed to Plaintiffs or any other party or non-party not covered by the applicable policy of insurance.

SECOND DEFENSE

The parties' rights and duties are defined and set forth in the contract of insurance issued by this defendant. Plaintiffs may not recover damages except as described in the applicable policy or any amount of damages exceeding the limits of the policy in question from this defendant and may not recover unless all terms and obligations of the policy have been complied with.

THIRD DEFENSE

Plaintiffs failed to mitigate damages.

FOURTH DEFENSE

The complaint fails to state a claim upon which relief can be granted including, but not limited to the claims against defendant Joshua Stephen.

Answering the numbered paragraphs of the Complaint, this defendant states as follows:

1-28. This defendant has insufficient information to form a belief as to the truth of the averments of these paragraphs and therefore neither admits nor denies the same.

This defendant demands a jury of twelve persons to try this cause.

/s/ Stephen W. Elliott

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CERTIFICATE OF SERVICE

I certify that on June 12, 2023, the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to Craig P. Glenn, 256 Seaboard Lane Suite-E-106, Franklin, TN 37067 and all parties indicated on the electronic filing receipt. All other parties will be served by regular U. S. Mail. Parties may access this filing through the Court's electronic filing system.

/s/ Fetlework Balite-Panelo

Fetlework Balite-Panelo